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February 15, 1991

Henry Rompage  
U.S. Environmental Protection Agency  
Region VII  
726 Minnesota Avenue  
Kansas City, KS 66101

Re: Hugh Thompson, TSCA # VII-87-T-719

Dear Mr. Rompage:

I am sorry for being tardy in response to your January 24, 1991 letter, but I have been out of town a great deal in the past two weeks. I enclose for your file a copy of the most recent environmental report on the facility. In addition, the enclosed waste advisor's letter to the purchaser's attorney, Mr. James McMullin, summarizes the report and the proposed remedial action.

I have, through Kansas City counsel, made demand upon ACF Industries, the prior owner of the facility, to assume the cost of the future clean up of the contaminates. However, I have only received one phone call from an ACF representative and it was not encouraging. I have instructed Kansas City counsel to file suit against ACF, but a lack of finances has slowed this considerably. I have requested that the purchaser and Boatmen's Bank of St. Louis share in the cost of this litigation, but neither has yet to contribute.

Boatmen's Bank has sent my clients the enclosed Notice of Default on the loan. My clients are unable to rectify the situation, so Boatmen's has recently informed Mr. McMullin that it would foreclose on March 7, 1991. I doubt this will occur, because I will file suit against Boatmen's to pay for the cleanup. The suit would be pursuant to the 7th Circuit opinion holding the lender liable for the same where it previously loaned money for that purpose, as is the case here. My hope is to hold on to the building until it is cleaned by a combination of ACF,



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the Bank, the purchasers and the Thompsons and then complete the sale to Mr. McMullin's clients. I enclose a copy of Mr. McMullin's recent correspondence to me setting out our agreements in this regard.

I appreciate your great patience with this case and I only hope you can give us at least one (1) month to get a formal response from ACF regarding an immediate clean up proposal. I have flexibility with ACF in that I could forego seeking recovery of the past clean up costs in return for its assumption of such future costs as are necessary. The only other option I can see is the Superfund, as you will recall that my clients have little assets. Specifically, they work as a truck driver and beautician, respectively, so the likelihood of any present or future recoveries of any significance is highly limited.

I will get back to you within one month of this letter regarding ACF unless I hear differently from you. Thank you for your attention to this matter.

Very truly yours,



James C. Owen

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enc.

